

October 13, 2005
Seven o'clock P.M.
Patrick Henry Hays Senior Citizens Center
401 West Pershing
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Thursday, October 13, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, LINDA ROBINSON, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (6/0). Aldermen MARTIN GIPSON and OLEN THOMAS were absent. City Clerk DIANE WHITBEY and City Attorney PAUL SUSKIE were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from a regular council meeting held on September 26, 2005, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderman Parker and seconded by Alderwoman Robinson, and by consent of all members present, communications #1, 2, 3, 4, 5, 6, 7, and 8 were accepted and filed (6/0).

1. Parks and Recreation Superintendent Report, August 2005 from Willie Elizandro, CPRP CPSI.
2. Sharon Tedford, Mayor's Office memorandum re: application for new retail beer and retail wine permit for 17th Street Grocery, 1623 North Cedar, by Keith Laray Marshall.
3. Sharon Tedford, Mayor's Office memorandum re: application for new retail wine permit for Phillips 66 #44, 18820 MacArthur Drive, by Majid Khozani Kameli.
4. Joe Smith, Director of Commerce and Governmental Affairs memorandum re: Auction Items (City Auction to be held Thursday, October 27, 2005).
5. Charlotte Thomas, Mayor's Office memorandum re: change of manager retail beer off premises permit for Doublebee's #124, 2623 N. Main by Sheryle Lorraine Brown.
6. Sharon Tedford, Mayor's Office memorandum re: change of manager, restaurant mixed drink & Sunday permit for TGI Friday's, 2820 Lakewood Village Drive, Michael Wade.
7. Sharon Tedford, Mayor's Office memorandum re: new Sunday beverage temporary permit for Firefall Grill & Bar, 2513 McCain Boulevard by Gordon Gondek.
8. Shalarma Davis and family letter to Mayor Hays re: Hurricane Relief in North Little Rock.

Mayor Hays invited Police Chief Danny Bradley to come forward. Chief Bradley advised the North Little Rock Police Department received an award in Maimi, Florida during the International Association of Chiefs of Police for Community Policing Efforts. Over 14,000 people attended the conference. North Little Rock competed with 148 commissions. North Little Rock was in a category of cities with a population of 50,001 to 100,000. The efforts of the city have resulted in 95% of Landlords cooperating in evicting problem tenants, crime rates have decreased and property values have increased. New homes have been built in certain areas. Chief Bradley introduced General Polizia with the Italian National Police. Mayor Hays thanked him for visiting North Little Rock. General Polizia and his interpreter spoke briefly, advising he was happy and excited to be in the United States and North Little Rock.

Mayor Hays invited Fire Chief Joe McCall to come forward and announced October 9 - 15, 2005 as Fire Prevention Week in North Little Rock and read a Proclamation regarding the same. Chief McCall said this year, North Little Rock is promoting life-saving methods and encouraging people to use candles with care. Chief McCall thanked everyone for participating in Fire Fest this week. Approximately 2,500 people attended.

Mayor Hays convened a public hearing regarding O-05-68, Pocket Annexation of land to be known as the "K M Pocket Annexation" at 7:19 p.m. Ms. Kathrine Matthews advised she is "K M." She advised the Planning Commission had asked her to annex into the city, but since she would not get any benefits, she was not interested. There has been vandalism in the area. Mayor Hays adjourned the public hearing at 7:22 p.m.

OLD/UNFINISHED BUSINESS

R-05-126

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1324 DIVISION IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays (owner G P Family Trust).

R-05-127

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1624 W. 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was held at the request of the sponsor, Mayor Hays (owner Keith and Debbie Waggoner).

O-05-51

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005,

was read a second time on August 22, 2005, was called and held at the request of the sponsor, Mayor Hays. Mayor Hays withdrew the legislation and asked the City Attorney to refile the legislation.

O-05-68

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED AT THE INTERSECTION OF HIGHWAY 165 AND OLD HIGHWAY 30 TO BE TITLED “K M POCKET ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE “K M POCKET ANNEXATION” A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times September 26, 2005. Mayor Hays convened a public hearing at 7:05 p.m. this date (see above). The legislation was held at the request of the sponsor, Mayor Hays.

O-05-71

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 7697 TO REMEDY AN ERROR IN A MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on September 26, 2005, was read a second time. Mr. Suskie summarized a recent legal opinion regarding zoning. Mr. Suskie said the property is currently zoned R-4 and his office lacks the authority to correct the zoning issue. The City Council or a court would have to address the matter. Alderman Witcher made a motion to suspend the rules which was seconded by Alderwoman Robinson, and the following members voted in the affirmative, Aldermen Bryant, Robinson, Berry, Parker and Witcher, and the following member voted no, Alderman Hight, the motion to suspend the rules failed (5/1).

O-05-72

AN ORDINANCE AMENDING ORDINANCE NO. 7697 REGARDING CONCRETE PLANTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was held at the request of Mayor Hays for Alderman Gipson.

NEW BUSINESS

R-05-143

A RESOLUTION AUTHORIZING A DEVELOPMENT RELATIONSHIP BETWEEN THE CITY OF NORTH LITTLE ROCK AND MARINAS NORTH, LLC FOR CERTAIN PROPERTY COMMONLY KNOWN AS THE SMARHOUSE WAY NORTHERN TRACT; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays. Mayor Hays advised the Ball Park may effect the use of seven acres, but not a four acre tract.

R-05-144

A RESOLUTION APPROVING AN AGREEMENT BETWEEN MAIN STREET ARGENTA AND MARINAS NORTH, LLC FOR A PLAN OF DEVELOPMENT FOR REAL ESTATE CONVEYED TO MAIN STREET ARGENTA; AND FOR OTHER PURPOSES, was also held at the request of the sponsor, Mayor Hays. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *attached Exhibit “A”* (6/0). (Exhibit “B” was attached at time of filing). The legislation was then held at the request of the sponsor, Mayor Hays.

R-05-145 (RESOLUTION NO. 6844 - ALDERMEN WITCHER AND HIGHT)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH DOW BUILDING SERVICES FOR UNIMPROVED PROPERTY LOCATED BEHIND THE ELECTRIC DEPARTMENT 43RD STREET SUBSTATION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Parker who voted no, the legislation was adopted (5/1).

PUBLIC COMMENTS-----

Mayor Hays advised residents were present who were opposed to a development in the area of Lake #1. Mr. Bobby Taylor said Mr. Robert Voyles provided him a document and said the bricks had been removed from a Morgan Portable meeting in his area. Ms. Denise Troutman is the principle at Saint Mary’s Catholic School, 16th and Pike Avenue which has 202 students. The entrance to the school faces 16th Street which is a thorough-fair. Drivers in the area disregard crossing guards and students in the street. The Police Department has ticketed drivers in the area. On August 22, 2005, a six-year-old first grade student was hit by a car. Ms. Troutman was directed to speak with Mr. Tim Marvin, Traffic Services Director. Ms. Troutman advised Mr. Marvin had said drivers were not used to seeing children in the crosswalk in the area. Ms. Troutman spoke to Alderman Thomas. The school has been at this location for 107 years. There is one sign from Pike Avenue going West indicating the speed limit is 25 miles per hour when children are present. There are signs indicating the crossing area. Mayor Hays said he will look into options and will contact her next week. Former Alderman Tony Vestal said not only are children a concern in the area, but also there are a lot of elderly people in the area. Colonel Dave Moffat is retired from the military and spoke for six property owners on Lakeview Road who are opposed to a proposed development (Waterside Estates) in the area of “Snake Hill” by Cutting Edge Investments LLC. Colonel Moffat read a letter to Mr. Robert Voyles and the Planning Commission members regarding the same. An entrance cut proposed in the middle of “Snake Hill” would be dangerous as this is a narrow, steep and twisting road. “Snake Hill” is closed during inclement weather. Children sled down the hill when it snows. Silt runoff would occur during the construction period and afterward which would contaminate Lake #1. Residents are concerned there property will be damaged if explosives are used to remove the hill side. Colonel Moffat gave the letter to Ms. Whitbey, City Clerk who will provide the same to the Planning Commission and Mr. Voyles. Mr. John DeGroodt said completion of sidewalks are needed in the Scenic Hill area East of Avalon. There are people in the area in motorized wheelchairs. Ms. Susan Ritchie, who lives in Lakewood uses “Snake Hill” daily and reiterated Colonel Moffat’s comments. Mr. Jim Hathaway with the Hathaway Group represents Mr. Gene Phifer and spoke regarding O-05-71. Mr. Hathaway said the Planning Commission is reviewing current uses and asked the council to hold their vote until after the review is concluded. Mr. Hathaway said every major land owner in the area is opposed to the development of a concrete plant on Young Road. Ms. Becky Major lives at 3809 Lakeview Road and owns property at 3819 Lakeview Road, located at the top of “Snake Hill.” If a cut is made into the road, it will create a dangerous situation. Mayor Hays said the matter

regarding Lake #1 is currently before the Planning Commission. Ms. Renada Halfarty said a group of residents attended the Lakewood Improvement District meeting. She was told the property along Lake #1 had been a park and would like to see it

go back to that use. Mayor Hays said the property has always been privately owned property. Alderman Bryant asked everyone present regarding their opposition to the proposed development to stand and asked the Planning Commission to review the ordinance regarding such and the degree of cut allowed into a hillside. Mr. Shawn Spencer, Planning Department advised the matter has not been before the Planning Commission. Mr. James Ard thanked the Sanitation Department for recently assisting a resident. Mr. Ard has talked to a council member about enforcing a code issue.

There being no further business to come before the Council, and on the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the meeting adjourned at 8:00 p.m. (6/0), until the next regular meeting to be held on Monday, October 24, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK